

## **REMARKS**

By this amendment claims 1 and 7-8 have been cancelled. Claim 2 and 3 have been amended to more particularly point out and distinctly claim the Applicant's invention. Claims 2-6, with claim 6 being re-presented, are currently pending.

### **REJECTION TO CLAIMS 2 AND 3 UNDER 35 U.S.C. 112**

The current Final Office Action rejects independent claims 2 and 3 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Final Office Action provides that it is unclear if Applicant intends to positively claim the combination of a seat assembly and a motorcycle passenger seat, or the subcombination of a seat assembly for use with a motorcycle passenger seat. The Final Office Action also states that claims 3-6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

The Applicant has amended claims 2 and 3 to more particularly point out and distinctly claim the combination of the seat assembly and a motorcycle passenger seat.

The Applicant respectfully contends that independent claims 2 and 3 are now in condition for allowance and respectfully requests their expeditious allowance. Since dependent claims 4-6 depend from independent claim 3 they are also in condition for allowance.

### **REJECTION TO CLAIM 2 UNDER 35 U.S.C. 102(e)**

The current Final Office Action rejects independent claim 2 under 35 U.S.C. 102(e) as being anticipated by Grove (6,648,408) (hereinafter "'408 patent"). In particular, the Final Office Action states that the '408 patent to Gove has a side seat cushion, side seat cushion support frame, side seat support, mounting means, releasable attachment supports, and fastening means.

The Applicant respectfully traverses the rejection of independent claim 2 under 35 U.S.C. 102(e) as being anticipated by the '408 patent to Grove. As discussed above, the Applicant has amended claim 2 to particularly point out and claim a motorcycle passenger seat and a pair of side seat cushions. The '408 patent to Gove does not include a motorcycle passenger seat and a pair of side seat cushions that extend laterally and on opposite sides of the motorcycle passenger

seat. Additionally, independent claim 2 also includes a fastening means for fastening the side seat cushions to the claimed side seat supports. The '408 patent to Grove does not disclose a fastening means for fastening the side seat cushions to the claimed side seat supports.

The Applicant respectfully contends that independent claim 2 is now in condition for allowance and respectfully requests its expeditious allowance.

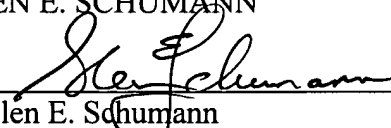
The Applicant would like to thank the Examiner for his assistance during the telephone interview on May 2, 2006.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes another telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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